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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,606	03/16/2000	Robert S. Mancini	3499-59	1911

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CLIFFORD CHANCE US LLP
200 PARK AVENUE
NEW YORK, NY 10166

EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/526,606

Applicant(s)

MANCINI ET AL.

Examiner

Alain L. Bashore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-44, 46-49 and 51-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-44, 46-49 and 51-55 is/are rejected.
- 7) ☒ Claim(s) 45 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 41-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 41 there is recited a calculation of a "projected amount of sales", but no further recitation describes how this calculation is utilized other than as a transmission to a host computer. Claim 42 is rejected as being dependant on rejected claim 41.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 40, 43-44, 46, 48-49, 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (433) in view of Potter et al.

Boesch et al discloses a computer-implemented method, system, a computer executable code residing on a computer-readable medium, and a method of generating a computer data signal, all for providing risk management for online transactions on a computerized communications network (col 2, lines 62-67; col 3, lines 1-41). Executable software is stored on a server via the network. Digital data identifying a seller and descriptive of currency exchange price that relates to base currency is also disclosed. The transaction may additionally comprise aggregating transaction amounts where the size of the aggregate amount may be limited (col 8, lines 49-53).

Boesch et al does not inherently disclose:

a predetermined period of time during which currency exchange price will be adhered to for amounts exchanged as a result of one or more transactions;
and,

digital data that includes date of transaction execution.

Potter et al discloses predetermined period of time during which currency exchange price will be adhered to (see abstract) and digital data including date of transaction execution (figs 15-23).

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It would have been obvious to one with ordinary skill in the art to modify Boesch et al to include digital data that includes date of transaction execution because Potter teaches inputs required for transaction to commence (col 3, lines 21-25).

It would have been obvious to one with ordinary skill in the art to modify Boesch et al to include a predetermined period of time during which currency exchange price will be adhered to for amounts exchanged as a result of one or more transactions because of what is taught by both Boesch et al and Potter et al. Boesch et al teaches a maximum predetermined period of time for the transaction (col 5, lines 10-15). And Potter et al teaches liability of state rates (see abstract).

3. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boesch et al (433) in view of Potter et al as applied to claims 40 above and further in view of Garber.

Boesch et al (621) and Potter et al does not explicitly disclose a forward contract amount or spot price.

Garber discloses spot price considerations regarding foreign currency (col 2, lines 17-63).

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It would have been obvious to one with ordinary skill in the art to include a forward contract amount or spot price to Boesch et al (621) in view of Potter et al because Garber teaches risk in currency transactions (col 3, lines 19-37).

Allowable Subject Matter

4. Claims 45 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 41-42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Allowable subject matter requires a second level review for applications in class 705 before a notice of allowance is mailed to the applicant.

Response to Arguments

7. Applicant's arguments filed 2-4-04 have been fully considered but they are not persuasive.

Regarding the reference to Potter, since Potter teaches that an offer must be recalculated after a certain time period because of market fluctuations, it would have

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been obvious to one with ordinary skill in the art would utilize considerations to all aspects of an offer, including the sale of goods and services at a price desired.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore